

**COMPLAINT AGAINST MICHAEL JOSEPH BATTLES
TO THE FEDERAL ELECTION COMMISSION**

NOW COMES Victor A. Kubli, Complainant herein, and for his Complaint regarding **Michael Joseph Battles**, 2002 candidate for the 1st Congressional District of Rhode Island; and regarding "**Battles for Congress 2002**," states as follows:

1. One of my work addresses is 1420 Spring Hill Road, Suite 230, McLean, Virginia 22101, (703) 749-0000.

2. On September 7, 2005, while under oath, Ngoctam Burch ("Burch") was deposed in the case of *United States ex rel. DRC, Inc v. Custer Battles, LLC, et al.*, which is pending in the U.S. District Court for the Eastern District of Virginia, Alexandria Division, as Case No. CV-04-199-A. In connection with that litigation, Burch testified that she was paid as an employee of a company owned in part by Mr. Battles, Custer Battles LLC, for a week while she actually worked on Mr. Battles' campaign in Rhode Island:

Q: And it refers to Pender Drive?

A: Yes.

Q: Is that where you worked?

A: Yes.

Q: Okay. And **when you went to Rhode Island to assist Mr. Battles with his campaign**, was it the Thames Street address that you worked from?

A: I don't – no, I don't think so.

Q: Where were you when you were working on the campaign?

A: At his house and at his corporate – not corporate, campaign office.

Q: **Were you paid for that work?**

A: No.

Q: **Did you continue to be paid by Custer Battles during the time you were working on Mr. Battles' campaign?**

A: Yes, it was only for a week.

See attached Trans. excerpt (emphasis added).

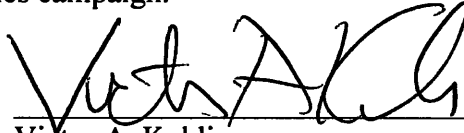
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3. Burch also testified as a witness at the trial, which was conducted in February and March of 2006. The jury found Mr. Battles and other Defendants liable for numerous instances of false and fraudulent billing. The verdict was overturned on grounds unrelated to the fraud.

4. Therefore, it appears that Battles, while a Congressional candidate, directed Burch to work on his campaign while Burch was an employee of Custer Battles LLC. My colleague at work recently reviewed the Battles' campaign funding reports. Based upon her review of those reports, she has informed me that Battles appears to have failed to declare the Custer Battles, LLC contribution, *i.e.*, the paid labor of Custer Battles, LLC's employee Burch, to the Battles campaign.

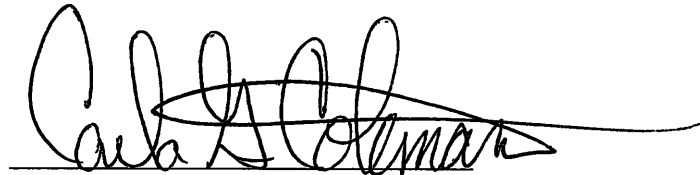

Victor A. Kubli,
Complainant

State of Virginia;
County / City of Fairfax; to wit,

Subscribed, sworn to, and acknowledged before me by Victor A. Kubli, this 18th
day of January, 2007.

My Commission Expires:

9/30/2008


Notary Public

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA ex rel.)
DRC, INC., et al)
) Civil Action No.
Plaintiffs/Relators,) CV-04-199-A
)
v.)
)
CUSTER BATTLES, LLC, ET AL.,)
)
Defendants.)

Deposition of:

NGOCTAM BURCH

a witness of lawful age, taken on behalf of the Plaintiff,
pursuant to notice, in the offices of Grayson and Kubli,
1420 Spring Hill Road, McLean, Virginia, 22102,
on Wednesday, September 7, 2005, at 9:57 a.m., before
Erica Fouche, Notary Public in and for the
State of Virginia, when were present:

APPEARANCES:

On behalf of Plaintiffs:

VICTOR KUBLI, Esquire
MARK MANN, Esquire
Grayson & Kubli, PC
1420 Spring Hill Road, Suite 230
McLean, Virginia 22102
(703) 749-0000

Heritage Reporting Corporation
(202) 628-4888

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6 Q At the top right corner of this document is an
7 address under a heading "Corporate Headquarters," do you see
8 that?

9 A Yes.

10 Q And it refers to Pender Drive?

11 A Yes.

12 Q Is that where you worked?

13 A Yes.

14 Q Okay. And when you went to Rhode Island to assist
15 Mr. Battles with his campaign, was it the Thames Street
16 address that you worked from?

17 A I don't -- no, I don't think so.

18 Q Where were you when you were working on the
19 campaign?

20 A At his house and at his corporate -- not
21 corporate, campaign office.

22 Q Were you paid for that work?

23 A No.

24 Q Did you continue to be paid by Custer Battles
25 during the time you were working on Mr. Battles' campaign?

1 A Yes. It was only for a week.

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